

PATENT COOPERATION TREATY

02 SEP 2005

From the INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

GLAXOSMITHKLINE
Corporate Intellectual Property
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Brentford, Middlesex TW8 9GS
UNITED KINGDOM

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL SEARCH REPORT AND
THE WRITTEN OPINION OF THE INTERNATIONAL
SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

GlaxoSmithKline Corporate IP		Date of mailing (day/month/year)	29/08/2005
Applicant's or agent's file reference JNR/PB60781	Received BRENTFORD 01 SEP 2005	FOR FURTHER ACTION See paragraphs 1 and 4 below	
International application No. PCT/GB2005/000944	ATTORNEY/ALPHA MT 120	International filing date (day/month/year)	10/03/2005
Applicant GLAXO GROUP LIMITED	IPM : N/A ON UPDATED ON 5/9/05 ATTY CHECKED/FILE		

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the International Application (see Rule 46):

When? The time limit for filing such amendments is normally 2 months from the date of transmittal of the International Search Report; however, for more details, see the notes on the accompanying sheet.

Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes
1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 740.14.35

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.

3. ☐ **With regard to the protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

- ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. Reminders

Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until **30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the International Searching Authority



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Authorized officer

Vera Schertl

NOTES TO FORM PCT/ISA/220

These Notes are intended to give the basic instructions concerning the filing of amendments under article 19. The Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the *PCT Applicant's Guide*, a publication of WIPO.

In these Notes, "Article", "Rule", and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions, respectively.

INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report and the written opinion of the International Searching Authority, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims, description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only (see *PCT Applicant's Guide*, Annexes B1 and B2).

The attention of the applicant is drawn to the fact that amendments to the claims under Article 19 are not allowed where the International Searching Authority has declared, under Article 17(2), that no international search report would be established (see *PCT Applicant's Guide*, Volume I/A, paragraph 296).

What parts of the international application may be amended?

Under Article 19, only the claims may be amended.

During the international phase, the claims may also be amended (or further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41.

When?

Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

Where not to file the amendments?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been/is filed, see below.

How?

Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet must be submitted for each sheet of the claims which, on account of an amendment or amendments, differs from the sheet originally filed.

All the claims appearing on a replacement sheet must be numbered in Arabic numerals. Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively (Administrative Instructions, Section 205(b)).

The amendments must be made in the language in which the international application is to be published.

What documents must/may accompany the amendments?

Letter (Section 205(b)):

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

The letter must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

This International Searching Authority found multiple (groups of) inventions in this international application, as follows:

1. claims: 1(independent), 2-29

A fluid dispensing device comprising essentially a finger-operable actuator member configured such that a minimum actuating force is required to be applied to said actuator member to cause dispensing of a fluid product.

2. claims: 30(independent), 31-36

A fluid dispensing device comprising essentially a finger-operable actuator member having a stop to provide alignment of at least one cam surface of said actuator member and at least one cam follower surface of a dispensing member.

3. claims: 37(independent), 38-41

A fluid dispensing device comprising essentially a releasable detent mechanism for selectively holding a finger-operable actuator member in outward and inward positions.

4. claims: 42(independent), 43-47

A fluid dispenser, adapted for dispensing a fluid product into the nasal cavity of a user, essentially comprising a nozzle, a housing and a fastening mechanism which fastens the nozzle in an opening of said housing.

5. claims: 48(independent), 49-51

A set of component parts for manufacturing a plurality of fluid dispensers for dispensing a fluid product into a nasal cavity of a user, the set essentially comprising a plurality of identical nozzles and a plurality of housings each having a different characteristic from the others.

6. claims: 52(independent), 53

A fluid dispenser, adapted for dispensing a fluid product into the nasal cavity of a user, essentially comprising a nozzle made from a different material than the housing of said fluid dispenser.

INTERNATIONAL SEARCH REPORT

International application No.
PCT/GB2005/000944

Box II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

-This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claims Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:
2. ☐ Claims Nos.:
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

see additional sheet

1. ☒ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

INTERNATIONAL SEARCH REPORT

International Application No

PCT/GB2005/000944

A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 B65D83/14 B05B11/00 A61M15/08

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 B65D B05B A61M

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, PAJ, WPI Data

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 03/095007 A (GLAXO GROUP LIMITED; DAVIES, MICHAEL, BIRSHA) 20 November 2003 (2003-11-20) cited in the application pages 11-14; figures 1,2a,3 pages 33-34; figures 19,19a,19b pages 35-36; figures 22-24	1-29
X	WO 02/20168 A (VALOIS S.A; STRADELLA, GUISEPPE) 14 March 2002 (2002-03-14) page 7, line 27 - page 8, line 12 figures 3-6	30-41
A		1
X	US 5 899 365 A (EICHLER ET AL) 4 May 1999 (1999-05-04) the whole document	30-34, 37-41
A		1
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☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

* Special categories of cited documents :

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier document but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"8" document member of the same patent family

Date of the actual completion of the international search

16 August 2005

Date of mailing of the international search report

29.08.2005

Name and mailing address of the ISA

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Authorized officer

Azaïzia, M

INTERNATIONAL SEARCH REPORT

International Application No

PCT/GB2005/000944

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT		
Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 4 860 738 A (HEGEMANN ET AL) 29 August 1989 (1989-08-29) column 5, line 23 - column 6, line 33 figures 6-8	30-34, 37-41
A	----- FR 2 671 294 A (SAVONA JEAN LOUIS; TOMASSINI MICHEL; WIESENFELD ALBERT) 10 July 1992 (1992-07-10) the whole document	1 37-41
X	US 2002/170928 A1 (GRYCHOWSKI JERRY ET AL) 21 November 2002 (2002-11-21) page 7, paragraph 133 - page 8, paragraph 139; figures 38,39 page 14, paragraph 185	42-47, 52,53
X	WO 99/49984 A (THE PROCTER & GAMBLE COMPANY; RENNIE, PAUL, JOHN; WILKINSON, ERIC; PIE) 7 October 1999 (1999-10-07) page 7, lines 11-15 page 7, lines 28,29 page 11, line 11 - page 12, line 8 figures	52,53
X	US 6 305 371 B1 (FRID PER ET AL) 23 October 2001 (2001-10-23) column 1, lines 43-57 column 3, lines 15-55 figures 1-3	48,49,51
X	US 6 382 205 B1 (WEINSTEIN ROBERT E ET AL) 7 May 2002 (2002-05-07) column 3, lines 58-61 column 4, lines 34-45 figures	48-51
A	FR 2 812 826 A (VALOIS SA) 15 February 2002 (2002-02-15) page 6, line 9 - page 9, line 10; figures	1-29
P,X	WO 2004/080606 A (GLAXO GROUP LIMITED; DAVIES, MICHAEL, BIRSHA; GODFREY, JAMES, WILLIAM) 23 September 2004 (2004-09-23) page 44, line 1 - page 46, line 19 figures 24a-24e	1-46
E	WO 2005/028007 A (GLAXO GROUP LIMITED; DAVIES, MICHAEL, BIRSHA; HEDLEY, MARK, GRAHAM) 31 March 2005 (2005-03-31) page 26, line 25 - page 28, line 25 claims figures 8a,8b,9a,9b	1-29

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

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INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/GB2005/000944

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